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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,370	08/31/2000	James P. Allen	AUS000537US1	4444

7590

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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
2182	7

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,370

Applicant(s)

ALLEN ET AL.

Examiner

Mohammad O. Farooq

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 9, 10, 13, 17, 19-21, 23, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 6, 8, 11, 12, 14-16, 18, 22, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: JEFFREY GAFFIN

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. The finality of the office action mailed November 4, 2003 is hereby vacated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 9, 13, 17, 19, 20, 23, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasrebi, U.S. Pat. No. 5,463,625, in view of Liu, U.S. Pat. No. 6,396,828.

3. As to claim 1, Yasrebi teaches method comprising: receiving a close request (Connect (out); col. 10, lines 52-64). Yasrebi does not teach setting the adapter to a quasi-open state in response to receiving the close request.

Liu teaches setting the adapter to a quasi-open state (semi-connection mode) in response to receiving the close request (via user action; col. 7, lines 23-45). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Yasrebi and Liu because that would provide intermediate mode of connection for the system (col. 2, lines 45-58).

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4. As to claim 4, Yasrebi teaches system maintaining a set of minimal resources (when it is put to sleep; col. 10, lines 52-64).

5. As to claim 7, Yasrebi teaches releasing extended resources corresponding with the adapter (after waking up; col. 10, lines 47-52).

6. As to claim 9, Yasrebi teaches current state from a group consisting open (after waking up), and closed (after termination; col. 10, lines 38-64). Yasrebi does not teach a quasi-open state.

Liu teaches a quasi-open state (col. 2, lines 45-58; col. 7, lines 23-45). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Yasrebi and Liu because that would provide data to be sent when the system is actually connected (col. 2, lines 45-58).

7. Claims 13, 17, and 19 comprise same limitations as method claims 4, 7, and 9 respectively. Yasrebi and Liu in combination teach method as set forth in claims 4, 7, and 9. Therefore, Yasrebi and Liu in combination also teach apparatus as set forth in claims 13, 17, and 19.

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8. Claims 20, 23, 26, and 27 comprise same limitations as method claims 1, 4, 7, and 9 respectively. Yasrebi and Liu teach method as set forth in claims 1, 4, 7, and 9. Therefore, Yasrebi and Liu in combination also teach computer program product as set forth in claims 20, 23, 26, and 27.

9. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasrebi, U.S. Pat. No. 5,463,625 in view of Liu, U.S. Pat. No. 6,396,828, further in view of Ahlberg et al. U.S. Pat. No. 5,574,774.

10. As to claims 2 and 21, neither Yasrebi nor Liu teaches determining open state between the adapter and the fibre channel and maintaining the open state.

Ahlberg et al. teach determining open state between adapter and the fibre channel and maintaining the open state (col. 11, lines 19-35). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Yasrebi and Liu with Ahlberg et al. because that would provide the user to simply establish the additional communications via the open communication link without significant delay or without competing with other users because of limited channels (col. 4, lines 28-50).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasrebi, U.S. Pat. No. 5,463,625 in view of Liu, U.S. Pat. No. 6,396,828, further in view of Ho et al. U.S. Pat. No. 6,038,235.

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12. As to claim 10, Yasrebi teaches system comprising receiving a close request (Connect (out); col. 10, lines 52-64). Yasrebi does not teach setting the adapter to a quasi-open state in response to receiving the close request.

Liu teaches setting the adapter to a quasi-open state (semi-connection mode) in response to receiving the close request (via user action; col. 7, lines 23-45). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Yasrebi and Liu because that would provide intermediate mode of connection for the system (col. 2, lines 45-58).

Neither Yasrebi nor Liu teaches processors, memory, nonvolatile storage device and fibre channel. Ho et al. teach processors, memory, nonvolatile storage device (non volatile memory) and fibre channel (col. 1, lines 32-46). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Yasrebi and Liu with Ho et al. because that would place a target device coupled to fiber channel in an open state for receiving data from the host electronic device (col. 4, lines 32-35).

Allowable Subject Matter

13. Claims 3, 5, 6, 8, 11, 12, 14-16, 18, 22, 24, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments with respect to claims 1, 2, 4, 7, 9, 10, 13, 17, 19-21, 23, 26, and 27 have been considered but are moot in view of the new ground(s) of rejection.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (703) 305-3888. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mohammad O. Farooq
January 8, 2004